

Objection to the Proposed Bill Granting the Australian Communications and Media Authority Powers Over Misinformation and Disinformation on Social Media

20 August 2023

Dear Communications and Media Authority,

I write today to express my profound objections to the proposed bill that seeks to grant the Australian Communications and Media Authority (ACMA) powers to determine what constitutes misinformation and disinformation, along with the authority to levy punitive measures against social media companies that are deemed to be publishing such content. While the intentions behind this proposal may be noble, the implications for free speech, government overreach, and public trust are deeply concerning.

1. **The Ambiguity of Truth:** One of the foundational issues with this bill is its presumption that there exists a straightforward, objective measure for determining truth. The nature of truth, especially in complex socio-political matters, is multifaceted. What one entity deems as "misinformation" might be viewed by others as a legitimate alternative perspective, or even a fact that is yet to gain widespread acceptance. History has shown us that many 'accepted truths' of one era were overturned in the next. To grant any governmental agency the power to be the arbiter of truth is to set a dangerous precedent. By whose criteria and standards will this truth be determined?
2. **Governments and Misinformation:** While governments play a vital role in maintaining order and governance, it is naive to believe that they are immune to the spread of misinformation. Governments, like any institution, have their own agendas, biases, and interests to protect. There have been countless instances globally where governments have been found spreading misinformation either to further their narrative or to suppress dissent. If ACMA is granted these powers, what measures are in place to ensure they remain unbiased and are not influenced by political pressures?
3. **The Chilling Effect on Free Speech:** One of the cornerstones of a thriving democracy is the right to free speech. Citizens must be able to express their views, however unpopular or controversial, without fear of reprisal. This bill, in its very essence, threatens that right. If social media platforms, under the threat of punitive measures, become overly cautious and start censoring content that might be even remotely controversial, we risk creating an environment where people are afraid to speak their minds. This "chilling effect" will stifle debate, hinder the free flow of ideas, and could lead to an echo chamber where only government-approved narratives thrive.
4. **Potential for Overreach:** With the power to define what is and isn't misinformation, and the authority to penalize those who transgress these definitions, there is a very real risk of this power being misused. Such laws can easily be weaponized against dissenting voices, opposition parties, and critical media.
5. **The Burden on Social Media Companies:** While tech giants have their responsibilities, this bill might force them into the unenviable and impossible position of being the guardians of 'truth'. Given the sheer volume of content uploaded every second, it is unrealistic to expect these platforms to be effective gatekeepers. This would not only be a herculean task but also one fraught with ethical dilemmas.

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6. **Potential Erosion of Public Trust:** If the public perceives that their free speech is being curtailed or that the government is actively suppressing certain narratives, this can lead to a significant erosion of trust. Trust is the bedrock of any democratic society, and once lost, it can be incredibly challenging to regain.

In conclusion, while the spread of misinformation and disinformation is a genuine concern in our digital age, the solution is not to grant sweeping powers to a governmental agency. Instead, the focus should be on fostering media literacy, promoting open debate, and ensuring that platforms have transparent mechanisms for content moderation. The proposed bill, in its current form, threatens the very ideals of a democratic society and risks more harm than good.

I urge the committee to reconsider this proposal in the interest of upholding the democratic principles that Australia holds dear.

Sincerely,

Leigh Cashel
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Encl.

My concerns with the proposed Bill are echoed in the following documents linked below:

1. The Hon John Ruddick MLC NSW
Member of the NSW Legislative Council
- *ACMA submission link [here](#)*
2. Dara Macdonald
- *Essay: The Great Misinformation Panic 31 July 2023 link [here](#)*